

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KELLEY TROY COOLEY,  
Plaintiff,

v.

COUNTY EXECUTIVE MARK DIVECCHIO,  
et al,  
Defendants.

C.A. No. 06-178 ERIE

**MEMORANDUM ORDER**

Plaintiff's complaint was received by the Clerk of Court on August 9, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, issued orally during the motion hearing held March 6, 2008, recommended that Plaintiff's motion for Injunctive Relief or for Summary Judgment (Doc. #55) be denied, as the relief sought is beyond the authority of this Court to grant. The parties were advised on the record that they had ten (10) days from the date of the hearing to file objections. Objections were filed by the Plaintiff on March 17, 2008. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 16<sup>th</sup> day of July, 2008;

IT IS HEREBY ORDERED that the Plaintiff's motion for Injunctive Relief or for Summary Judgement (Doc. #55) is DENIED.

The report and recommendation of Magistrate Judge Baxter, issued March 6, 2008, is adopted as the opinion of the court.



Maurice B. Cohill, Jr.  
Senior United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge

all parties of record \_\_\_\_\_